



General Assembly

January Session, 2009

***Raised Bill No. 1154***

LCO No. 3624

\*03624\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING REFERRAL OF CONTESTED CASES AND SETTLEMENTS TO THE CHIEF HUMAN RIGHTS REFEREE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) As used in this section and  
2 sections 2 to 5, inclusive, of this act:

3 (1) "Agency" means each state board, commission, department or  
4 officer authorized by law to adopt regulations or to determine  
5 contested cases, but does not include either house or any committee of  
6 the General Assembly, the courts, the Council on Probate Judicial  
7 Conduct, the Governor, Lieutenant Governor, Attorney General, town  
8 or regional boards of education or automobile dispute settlement  
9 panels established pursuant to section 42-181 of the general statutes;

10 (2) "Contested case" means a proceeding, including, but not limited  
11 to, rate-making, price fixing or licensing, in which the legal rights,  
12 duties or privileges of a party are required by any provision of the  
13 general statutes or regulation to be determined by an agency after an  
14 opportunity for hearing or in which a hearing is in fact held, but does

15 not include proceedings on a petition for a declaratory ruling under  
16 section 4-176 of the general statutes, any hearing referred to in section  
17 4-168 of the general statutes or any hearing conducted by the  
18 Department of Correction or the Board of Pardons and Paroles;

19 (3) "Final decision" means (A) the agency determination in a  
20 contested case, (B) a declaratory ruling issued by an agency pursuant  
21 to section 4-176 of the general statutes, or (C) an agency decision made  
22 after reconsideration. The term "final decision" does not include a  
23 preliminary or intermediate ruling or order of an agency, or a ruling of  
24 an agency granting or denying a petition for reconsideration;

25 (4) "Mediation" means the process where the parties in a contested  
26 case meet with a human rights referee to work toward resolution of the  
27 issues in the decision that was the subject of the appeal in accordance  
28 with generally accepted principles of mediation; and

29 (5) "Proposed final decision" means a final decision proposed by an  
30 agency or a presiding officer under section 4-179 of the general  
31 statutes.

32 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) Any agency that does not  
33 employ a full-time or permanent part-time employee whose primary  
34 duty is to conduct hearings in contested cases and issue final or  
35 proposed final decisions may, with the consent of the Chief Human  
36 Rights Referee, refer any contested cases brought by or before such  
37 agency to the Chief Human Rights Referee for purposes of  
38 adjudication of the contested case by a human rights referee. The  
39 agency shall specify whether the human rights referee shall issue a  
40 final decision or a proposed final decision. The Chief Human Rights  
41 Referee shall assign the contested case to a human rights referee  
42 appointed under section 46a-57 of the general statutes who shall  
43 conduct the hearing.

44 (b) The referring agency shall incur the cost of transcripts for the  
45 human rights referee whenever the human rights referee requests

46 transcript services for the hearing.

47 (c) Upon issuance of the final decision or proposed final decision,  
48 the Chief Human Rights Referee shall forward the record of such  
49 adjudication to the referring agency.

50 Sec. 3. (NEW) (*Effective July 1, 2009*) (a) Any agency may, with the  
51 consent of the Chief Human Rights Referee, refer any contested case  
52 brought by or before such agency to the Chief Human Rights Referee  
53 for purposes of mediation of the contested case by a human rights  
54 referee. The Chief Human Rights Referee shall assign the contested  
55 case to a human rights referee who shall conduct the mediation.

56 (b) Any record or information that may disclose the identity of any  
57 person involved in such mediation or the recommendations of the  
58 human rights referee who conducted the mediation shall not be subject  
59 to disclosure pursuant to chapter 14 of the general statutes.

60 Sec. 4. (NEW) (*Effective July 1, 2009*) (a) Any employee of the  
61 Department of Public Safety, the Department of Correction, or the  
62 Department of Children and Families who is a party to a report  
63 conducted by the agency's affirmative action officer, pursuant to  
64 subdivision (4) of subsection (b) of section 46a-68 of the general  
65 statutes, may file a written request with the Chief Human Rights  
66 Referee for confidential mediation.

67 (b) Upon receipt of such request, the Chief Human Rights Referee  
68 shall assign a human rights referee to conduct a mediation with the  
69 employee who filed the request and with such other agency personnel  
70 as the human rights referee deems appropriate.

71 (c) The human rights referee shall notify the employee and the  
72 agency of the date, time and place of the mediation. Upon the  
73 completion of the mediation, the human rights referee shall file the  
74 results of such mediation and the human rights referee's  
75 recommendations, if any, with the Chief Human Rights Referee, the

76 employee who requested the mediation and the executive head of the  
77 agency.

78 (d) On or before January 5, 2011, the Chief Human Rights Referee  
79 shall submit to the joint standing committee of the General Assembly  
80 having cognizance of matters relating to government administration a  
81 report in accordance with the provisions of section 11-4a of the general  
82 statutes, on the number of mediations conducted pursuant to  
83 subsection (a) of this section, the results of such mediations and  
84 recommendations for changes in the conduct of such mediations.

85 (e) Any record or information that may disclose the identity of any  
86 person involved in a mediation or the recommendations of the human  
87 rights referee who conducted the mediation shall not be subject to  
88 disclosure pursuant to chapter 14 of the general statutes.

89 Sec. 5. (NEW) (*Effective July 1, 2009*) The Chief Human Rights  
90 Referee, a human rights referee and the Commission on Human Rights  
91 and Opportunities shall not be parties to any appeal of a decision or  
92 mediation referred to the Chief Human Rights Referee pursuant to  
93 sections 1 to 4, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009</i>	New section
Sec. 5	<i>July 1, 2009</i>	New section

**Statement of Purpose:**

To augment the number of situations in which certain state agencies refer cases to human rights referees.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

